

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	MDL No. 1456
_____	)	
	)	Lead Civil Action No. 01-12257-PBS
<b>THIS DOCUMENT RELATES TO:</b>	)	
<i>United States of America ex rel. Ven-a-Care of</i>	)	Hon. Patti Saris
<i>the Florida Keys, Inc. v. Abbott Laboratories,</i>	)	
<i>Inc., Civil Action No. 06-11337-PBS</i>	)	Magistrate Judge Marianne B. Bowler
	)	

**UNITED STATES' UNOPPOSED MOTION FOR LEAVE TO FILE SUR-REPLY TO  
ABBOTT'S REPLY TO THE OPPOSITION TO ABBOTT'S MOTION TO ENFORCE  
THE FEB. 16, 2007 PROTECTIVE ORDER AND FOR THE RETURN OF  
INADVERTENTLY PRODUCED DOCUMENTS**

Pursuant to District of Massachusetts Local Rule 7.1(b), the United States requests leave to file a Sur-reply to Abbott's Reply to the Opposition to Abbott's Motion to Enforce the February 16, 2007 Protective Order and for the Return of Inadvertently Produced Documents (D.E. 5276). Counsel for the United States has conferred with Jason Winchester, counsel for Abbott, who indicated Abbott has no objection to this Court granting leave to the United States to file its sur-reply. The sur-reply brief is attached as Exhibit A, and Exhibit 1 to the sur-reply is attached hereto as Exhibit B. The United States believes that the attached sur-reply will assist the Court in its evaluation of Abbott's Motion to Enforce and related filings.

WHEREFORE, based upon the foregoing and for good cause, the United States requests that this Court afford it leave to file its Sur-reply to Abbott's Reply to the Opposition to Abbott's Motion to Enforce the February 16, 2007 Protective Order and for the Return of Inadvertently Produced Documents.

For the United States of America,

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Dated: July 2, 2008

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused a redacted electronic copy of the above Unopposed Motion for Leave to file Sur-Reply to Abbott's Reply to the Opposition to Abbott's Motion to Enforce the Feb.16, 2007 Protective Order And For Return of Inadvertently Produced Documents to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Ann. M. St. Peter-Griffith

Dated: July 2, 2008